

WAYNE J. COLTON, INC.**COPY***Patents ~ Trademarks ~ Copyrights ~ Related Matters***The Milam Building Suite 1032****115 East Travis Street****San Antonio, Texas 78205****Tel: (210) 222-8455****Fax: (210) 222-8445****RECEIVED
CENTRAL FAX CENTER**

January 24, 2006

JAN 24 2006**PATENTS****RECEIVED****FEB 09 2006****OFFICE OF PETITIONS**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: Invention Title APPETITIE SUPPRESSION DEVICE
Serial Number 10/068,049
Filing Date January 04, 2002
Inventor(s) David M. Turney

Docket Number 1052.1301

**RECEIVED
JAN 30 2006
TECHNOLOGY CENTER R3700**

Dear Sir:

Enclosed herewith for filing in the above referenced matter, please find the following:

1. Petition for Revival of Unintentionally Abandoned Application; and
2. Reply.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR §§1.6(d), 1.8)

I hereby certify that this paper or fee is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, facsimile number (571) 273-8300 on January 24, 2006.

1/24/06
Date:

[Signature]
Signature of Person Transmitting

Robert A. McMinn
Name of Person Transmitting

WAYNE J. COLTON, INC.

- ☒ Applicant is a small entity (if block checked).
- ☐ No fee is required with this filing.
- ☒ Please charge Deposit Account No. 50-0489 in the amount of \$1,100.00. A **COPY OF THIS LETTER IS ATTACHED.**
- ☐ The Commissioner has been authorized to charge the requisite fee to Deposit Account No. 50-0489.
- ☐ A check in the amount of \$ *** is enclosed herewith.

GENERAL AUTHORIZATION TO CHARGE FEES: The Commissioner is hereby authorized to charge any additional fee as may be required under 37 CFR §§1.16 and/or 1.17 at any time during the prosecution of the above referenced application, or credit any overpayment, to Deposit Account No. 50-0489, without further or more specific authorization.

Respectfully submitted,

Dated: 01/24/2006

WAYNE J. COLTON, INC.
The Milam Building Suite 1032
115 East Travis Street
San Antonio, Texas 78205
Telephone: 210 222 8455
Telecopier: 210 222 8445



Wayne J. Colton
Attorney for Applicant
Registration No. 40,962

WAYNE J. COLTON, INC.

- ☒ **Applicant is a small entity** (if block checked).
- ☐ No fee is required with this filing.
- ☒ Please charge Deposit Account No. 50-0489 in the amount of \$1,100.00. **A COPY OF THIS LETTER IS ATTACHED.**
- ☐ The Commissioner has been authorized to charge the requisite fee to Deposit Account No. 50-0489.
- ☐ A check in the amount of \$ *** is enclosed herewith.

GENERAL AUTHORIZATION TO CHARGE FEES: The Commissioner is hereby authorized to charge any additional fee as may be required under 37 CFR §§1.16 and/or 1.17 at any time during the prosecution of the above referenced application, or credit any overpayment, to Deposit Account No. 50-0489, without further or more specific authorization.

Respectfully submitted,



Wayne J. Colton
Attorney for Applicant
Registration No. 40,962

Dated: 01/24/2006

WAYNE J. COLTON, INC.
The Milam Building Suite 1032
115 East Travis Street
San Antonio, Texas 78205
Telephone: 210 222 8455
Telecopier: 210 222 8445

RECEIVED
CENTRAL FAX CENTER

JAN 24 2006

RECEIVED

FEB 09 2006

WAYNE J. COLTON, INC.

OFFICE OF PETITIONS

*Patents ~ Trademarks ~ Copyrights ~ Related Matters*The Milam Building Suite 1032
115 East Travis Street
San Antonio, Texas 78205Tel: (210) 222-8455
Fax: (210) 222-8445

CONFIDENTIALITY NOTICE: The document(s) accompanying this telecopy transmission contain confidential information that may be legally privileged. The information is intended only for the official use of the United States Patent and Trademark Office. If you have received this telecopy in error, please immediately notify us by telephone to arrange for the return to us of the original document(s). You are hereby notified that any disclosure, copying or further distribution of this telecopied information, or the taking of any action in reliance upon the content thereof, is strictly prohibited.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David M. Turney

Serial No: 10/068,049

Filed: January 04, 2002

Title: APPETITE SUPPRESSION DEVICE

§
§ Docket No: 1052.1301
§
§ Group Art Unit: 3762
§
§ Examiner: Scott M. Getzow
§
§ Pages (including this page): 16
§
§
§
§
§
§

- ☐ The documents transmitted herewith are submitted **FOR DISCUSSION PURPOSES ONLY**. Please forward all documents to the Examiner in charge **WITHOUT** entry.
- ☒ **PLEASE ENTER** all documents transmitted herewith in the above-captioned patent application.

Dated: 01/24/2006

By:

Respectfully submitted,

Wayne J. Colton
Attorney for Applicant
Registration No. 40,962

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR §§1.6(d) and 1.8)

I hereby certify that this facsimile is being transmitted to the Assistant Commissioner for Patents, Washington, D.C. 20231, under 37 CFR §§1.6(d) and 1.8 to facsimile number (571) 273-8300 on January 24, 2006

1/24/06
Date

Signature of Person Transmitting

Robert A. McMinn
Printed Name of Person Transmitting

RECEIVED
CENTRAL FAX CENTER

JAN 24 2006

WAYNE J. COLTON, INC.*Patents ~ Trademarks ~ Copyrights ~ Related Matters***The Milam Building Suite 1032****115 East Travis Street****San Antonio, Texas 78205**

Tel: (210) 222-8455

Fax: (210) 222-8445

January 24, 2006

PATENTS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: Invention Title APPETITIE SUPPRESSION DEVICE
 Serial Number 10/068,049
 Filing Date January 04, 2002
 Inventor(s) David M. Tumey

Docket Number 1052.1301

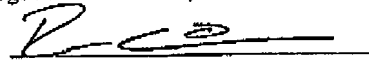
Dear Sir:

Enclosed herewith for filing in the above referenced matter, please find the following:

1. Petition for Revival of Unintentionally Abandoned Application; and
2. Reply.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR §§1.6(d), 1.8)

I hereby certify that this paper or fee is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, facsimile number (571) 273-8300 on January 24, 2006.

1/24/06
Date:
Signature of Person TransmittingRobert A. McMinn
Name of Person Transmitting

RECEIVED
CENTRAL FAX CENTER

JAN 24 2006

1052.1301
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David M. Tumey

Serial No.: 10/068,049

Filed: January 04, 2002

Title: APPETITE SUPPRESSION DEVICE

§
§
§
§
§
§
§
§
§
§
§

Group Art Unit: 3762

Examiner: Scott M. Getzow

RECEIVED

FEB 09 2006

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully petitions, under 37 CFR §1.137(b), for revival of the unintentionally abandoned above-captioned application. It is believed that a reply to a non-final Office Action was due in this application on or before January 5, 2004.

01/26/2006 EFLORES 00000070 500489 10068049

01 FC:2453 750.00 DA

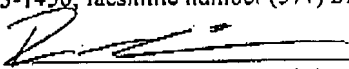
CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR §§1.6(d), 1.8)

I hereby certify that this paper or fee is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, facsimile number (571) 273-8300, on January 24, 2006.

Date:

1/24/06

Signature of Person Transmitting



Robert A. McMinn

Printed Name of Person Transmitting

RECEIVED
CENTRAL FAX CENTER

JAN 24 2006

1052.1301
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David M. Tumey

Serial No.: 10/068,049

Filed: January 04, 2002

Title: APPETITTE SUPPRESSION DEVICE

§
§
§
§
§
§
§
§
§
§
§

Group Art Unit: 3762

Examiner: Scott M. Getzow

RECEIVED

FEB 09 2006

OFFICE OF PETITIONS

REPLY

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please enter the following amendments and remarks as Applicant's reply to the outstanding
Office Action dated October 3, 2003 in the above-captioned application.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR §§1.6(d), 1.8)

I hereby certify that this paper or fee is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, facsimile number (571) 273-8300 on January 24, 2006.

Date:

1/24/06

Signature of Person Transmitting



Robert A. McMinn

Printed Name of Person Transmitting